

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

Cheetah Omni LLC,

*Plaintiff,*

vs.

Alcatel-Lucent USA Inc.,  
Alcatel-Lucent Holdings, Inc.,  
Ciena Corporation,  
Ciena Communications, Inc.,  
Fujitsu Network Communications, Inc.,  
Tellabs, Inc.,  
Tellabs Operations, Inc.,  
Nokia Siemens Networks US LLC,  
Huawei Technologies USA, Inc.,

*Defendants.*

Case No. 6:11-CV-390-LED

JURY TRIAL DEMANDED

**PLAINTIFF CHEETAH OMNI'S AND  
DEFENDANT HUAWEI TECHNOLOGIES USA'S  
JOINT NOTICE OF SETTLEMENT**

COME NOW Plaintiff Cheetah Omni LLC ("Cheetah") and Defendant Huawei Technologies USA, Inc. ("Huawei") and hereby file this Joint Notice of Settlement.

1. Cheetah and Huawei have executed a written settlement agreement resolving all claims asserted by and between Cheetah and Huawei in this litigation.
2. Cheetah and Huawei will dismiss with prejudice all claims asserted by and between Cheetah and Huawei, pursuant Rule 41(a) of the Federal Rules of Civil Procedure, upon closing of the executed settlement agreement.
3. Accordingly, Huawei does not intend to participate in the scheduled February 14, 2013 *Markman* hearing, although Huawei stands ready to attend the hearing at the Court's preference.

Respectfully submitted this the 6th day of February, 2013.

/s/Thomas A. Lewry

Thomas A. Lewry (MI Bar No. P36399)  
(Lead Attorney)  
John S. Le Roy (MI Bar No. P61964)  
Robert C.J. Tuttle (MI Bar No. P25222)  
John M. Halan (MI Bar No. P37616)  
John R. Buser (MI Bar No. P64758)  
Christopher C. Smith (MI Bar No. P73936)  
BROOKS KUSHMAN P.C.  
1000 Town Center, 22nd Floor  
Southfield, Michigan 48075-1238  
Tel: (248) 358-4400  
Fax: (248) 358-3351  
Email: tlewry@brookskushman.com  
jleroy@brookskushman.com  
rtuttle@brookskushman.com  
jhalan@brookskushman.com  
jbuser@brookskushman.com

T. John Ward, Jr.  
TX State Bar No. 00794818  
Email: jw@wsfirm.com  
Jack Wesley Hill  
TX State Bar No. 24032294  
Email: wh@wsfirm.com  
Ward & Smith Law Firm P.O. Box 1231  
Longview, Texas 75601-1231 Tel: 903-757-6400  
Fax: 903-757-2323

Eric M. Albritton (TX State Bar No. 00790215)  
ALBRITTON LAW FIRM  
PO Box 2649  
111 West Tyler, 75601  
Longview, TX 75606  
Tel: (903) 757-8449  
Fax: (903) 758-7397  
Email: ema@emafirm.com

/s/Noah C. Graubart

Ruffin B. Cordell  
Texas Bar No. 04820550  
FISH & RICHARDSON, P.C.  
1425 K Street, N.W., Suite 1100  
Washington, D.C. 20005  
202-783-5070  
cordell@fr.com

Thomas H. Reger II  
Texas Bar No. 24032992  
FISH & RICHARDSON, P.C.  
1717 Main Street, Suite 5000  
Dallas, TX 75201  
Telephone: (214) 747-5070  
reger@fr.com

Noah C. Graubart  
Georgia Bar No. 141862  
FISH & RICHARDSON, P.C.  
1180 Peachtree Street, NE, 21st Floor  
Atlanta, GA 30309  
Telephone: (404) 892-5002  
graubart@fr.com

ATTORNEYS FOR DEFENDANT  
HUAWEI TECHNOLOGIES USA

Joe Kendall (TX State Bar No. 11260700)

Provost Umphrey, L.L.P.

490 Park Street, P.O. Box 4905

Beaumont, Texas 77704

Tel: (409) 835-6000

Fax: (409) 838-8888 Email:

[jkendall@provostumphrey.com](mailto:jkendall@provostumphrey.com)

ATTORNEYS FOR PLAINTIFF CHEETAH  
OMNI LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 6th day of February, 2013.

/s/Noah C. Graubart  
Noah C. Graubart